

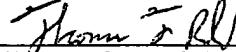
COPY
PATENT

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-9310).

Thomas F. Roland
(Name of person faxing paper)

Date: November 26, 2003


(Signature of person faxing paper)

Attorney Docket No. IR 3605 NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gernon et al.

Group Art Unit: 1751

Serial No.: 09/791,224

Examiner: G. Webb

Filed : 02/22/01

For: "Aqueous Solutions Containing Dithionic Acid and/or Metal Dithionate"

RESPONSE

Mail Stop Non-fee Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed October 27, 2003, setting a one-month period for response due by November 27, 2003.

This Response is being Faxed directly to the Examiner as record in this case.

A Copy of this Response is also being submitted with the Divisional Application in this case being submitted on November 26, 2003.

The Divisional Application is being submitted on the co-pending present case, and claims priority to both the present case (US Ser. No. 09/791,224) as well as US Provisional Application Number 60/186,097, filed March 1, 2000.

The Divisional Application will replace the present Appl. Serial No. 09/791,224, which will be allowed to go abandoned. The claims in the Divisional Application are directed to a process for metal finishing comprising contacting the surface of a metallic part or material with a solution which contains 0.1% to 60% by weight of free dithionic acid, wherein said metal finishing improves the mechanical, chemical or aesthetic properties of said metallic part or material.

Applicant believes the claims of the Divisional Application overcome the Examiner's rejections of the Parent case for the following reasons:

Adachi

The claims of the parent application were rejected under 35 U.S.C. 102(b) as being anticipated by Adachi et al (US 4,013,430). The Adachi reference fails to teach all of the claim elements of the claims in the Divisional Application, and therefore fails to present a *prima facie* case of anticipation.

The Adachi reference describes a process for treating exhaust gas in which dithionate salts are formed by the oxidation of sulfite. The dithionates are then decomposed into SO₂ and sulfate. The Adachi reference teaches that the dithionates should be decomposed because "the dithionates have never been utilized in commercial application fields", col. 4, lines 25 – 27.

The Adachi reference fails to teach a process for metal finishing, as presently claimed by Applicant, and therefore fails to teach of Applicant's claim elements. Further, the Adachi reference teaches away Applicant's claimed processes for metal finishing by teaching that the dithionates have no commercial application.

Kobayashi

The Kobayashi reference discloses a process for cleaning flue gas in which dithionite salts are formed by the oxidation of sulfite. The dithionates are then decomposed into SO₂ and sulfate. The reference fails to teach or disclose Applicant's claim element of a metal finishing process, thus fails to present a *prima facia* case of anticipation over Applicant's amended claims.

Beurich

The Examiner states that Beurich teaches processes for cleaning wood pulp and the use of reducing agent in a reducing step which follows an oxidative step (see examples section, col. 3) and, in particular, points out that Beurich further teaches these reductive solution to contain 0.5-5% of a reducing agent and teaches the use of dithionic acid as the reductively bleaching agent (see claim 9). The Beurich reference fails to teach or disclose Applicant's claim element of a metal finishing process, thus fails to present a *prima facia* case of anticipation over Applicant's amended claims.

Fuller

The claims of the parent case were rejected under 35 U.S.C. 102(b) as being anticipated by Fuller et al (US 5,497,637). The Examiner states that the Fuller reference teaches a vat dye containing 10 g/l sodium sulfate and 2 g/l sodium dithionite. The Fuller reference fails to teach or disclose Applicant's claim element of a metal finishing process, thus fails to present a *prima facia* case of anticipation over Applicant's claims in the Divisional Application.

For the above reasons the claims of the Divisional Application are believed to be novel and unobvious over the prior art, thus the claims herein should be allowable.

Respectfully submitted,

Thomas F. Roland

Thomas F. Roland
Attorney for the Applicants
Reg. No. 42,110

Date: November 26, 2003

ATOFINA Chemicals, Inc.
2000 Market Street
Philadelphia, PA 19103-3222
Tel (215) 419-7314
Fax (215) 419-7075

W:\LEGAL\PATENT\A0011566\3605 US OA 11.22.2003.doc